

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application Serial No.: 09/219,442

Art Unit: 1647

Filed: December 23, 1998

Examiner: Saoud, C..

For: Vascular Endothelial Growth Factor 2

Atty. Docket No.: PF112P2D1

JAN 25 2002

TECH CENTER 1600/2900

RECEIVED

**FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT PURSUANT TO 37 CFR 1.56**

Commissioner For Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declaration of Francis John Ballard, executed on December 12, 2001 and accompanying Exhibit 1.

The above-listed declaration and accompanying exhibit were brought to the attention of the Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declaration and accompanying exhibit thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed document(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore,

Applicants do not waive any rights to appropriate action to establish patentability over any of the listed document(s) should it applied as reference(s) against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declaration and exhibit attached thereto, in the file of the instant application.


Pursuant to 37 C.F.R. § 1.97(c)(1), the Patent Office will consider this Fourth Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and accompanied by the fee set forth in § 1.17(p).

Further pursuant to § 1.97(e)(1), the undersigned certifies that no item of information contained in this Fourth Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application more than three (3) months prior to the filing of this Fourth Supplemental Information Disclosure Statement. Accordingly, no fee is required with the submission of this paper.

If any fees are deemed necessary, the Patent & Trademark Office is authorized to charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal for FY 2002 is enclosed.

Respectfully submitted,

Dated: 1/23/02

  
Michele M. Wales (Reg. No. 43,975)  
Attorney for Applicants

Human Genome Sciences, Inc.  
9410 Key West Avenue  
Rockville, MD 20850  
Telephone: (301) 610-5772

MMW/lcc  
Enclosures

**FEE TRANSMITTAL****for FY 2002**

(Substitute form)

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/219,442
Filing Date	December 23, 1998
First Named Inventor	HU et al.
Examiner Name	Saoud, C.
Group Art Unit	1647
Attorney Docket Number	PF112P2D1

Total amount of payment

**\$ 0.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-3425**Deposit Account Name **Human Genome Sciences, Inc.**

- ☒
- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other\***FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1) \$0.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20*	\$18.00	
Multiple Dependent	-3*	\$84.00	
		\$280.00	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
108	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) \$0.00**

\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
142	1,280	242	640	Utility issue fee (or reissue)	
195	300	195	300	Publication fee for early, voluntary, or normal publication	
179	740	279	370	Request for Continued Examination (RCE)	
098	130	098	130	Processing fee, except in provisional applications	
126	180	126	180	Submission of Information Disclosure Statement	
123	50	123	50	Processing fee for provisional applications	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
145	100	145	100	Certificate of correction	
147	2,520	147	2,520	Request for <i>ex parte</i> reexamination	
099	8,800	099	8,800	Request for <i>inter partes</i> reexamination	
148	110	248	55	Statutory disclaimer	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
122	130	122	130	Petitions to the Commissioner	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,280	241	640	Petition to revive unintentionally abandoned application	
091	1,280	091	1,280	Acceptance of an unintentionally delayed claim for priority	
561	3	561	3	Printed copy of patent, regular service	
581	40	481	40	Recording each patent assignment per property (times number of properties)	

Other fee (specify):

Other fee (specify):

Other fee (specify):

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) \$ 0.00****Submitted By**

Complete (if applicable)

Name (Print/Type) **Michele M. Wales**Registration No.: **43,975**Telephone **301-610-5772**Signature: *Michele Wales*Date: **1/23/02**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.